

§ 1910.12

incorporations by reference of standards prescribed elsewhere in this chapter or this title. Other materials contained in the referenced parties are not adopted. Illustrations of the types of materials which are not adopted are these. The incorporations by reference of parts 1915, 1916, 1917, 1918 in §§ 1910.13, 1910.14, 1910.15, and 1910.16 are not intended to include the discussion in those parts of the coverage of the Longshoremen's and Harbor Workers' Compensation Act or the penalty provisions of the Act. Similarly, the incorporation by reference of part 1926 in § 1910.12 is not intended to include references to interpretative rules having relevance to the application of the Construction Safety Act, but having no relevance to the application to the Occupational Safety and Health Act.

§ 1910.12 Construction work.

(a) *Standards.* The standards prescribed in part 1926 of this chapter are adopted as occupational safety and health standards under section 6 of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in construction work. Each employer shall protect the employment and places of employment of each of his employees engaged in construction work by complying with the appropriate standards prescribed in this paragraph.

(b) *Definition.* For purposes of this section, *Construction work* means work for construction, alteration, and/or repair, including painting and decorating. See discussion of these terms in § 1926.13 of this title.

(c) *Construction Safety Act distinguished.* This section adopts as occupational safety and health standards under section 6 of the Act the standards which are prescribed in part 1926 of this chapter. Thus, the standards (substantive rules) published in subpart C and the following subparts of part 1926 of this chapter are applied. This section does not incorporate subparts A and B of part 1926 of this chapter. Subparts A and B have pertinence only to the application of section 107 of the Contract Work Hours and Safety Standards Act (the Construction Safety Act). For example, the interpreta-

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tion of the term “subcontractor” in paragraph (c) of § 1926.13 of this chapter is significant in discerning the coverage of the Construction Safety Act and duties thereunder. However, the term “subcontractor” has no significance in the application of the Act, which was enacted under the Commerce Clause and which establishes duties for “employers” which are not dependent for their application upon any contractual relationship with the Federal Government or upon any form of Federal financial assistance.

(d) For the purposes of this part, to the extent that it may not already be included in paragraph (b) of this section, “construction work” includes the erection of new electric transmission and distribution lines and equipment, and the alteration, conversion, and improvement of the existing transmission and distribution lines and equipment.

§ 1910.15 Shipyard employment.

(a) *Adoption and extension of established safety and health standards for shipyard employment.* The standards prescribed by part 1915 (formerly parts 1501–1503) of this title and in effect on April 28, 1971 (as revised), are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in ship repair, shipbreaking, and shipbuilding, or a related employment. Each employer shall protect the employment and places of employment of each of his employees engaged in ship repair, shipbreaking, and shipbuilding, or a related employment, by complying with the appropriate standards prescribed by this paragraph.

(b) *Definitions.* For purposes of this section:

(1) *Ship repair* means any repair of a vessel, including, but not restricted to, alterations, conversions, installations, cleaning, painting, and maintenance work;

(2) *Shipbreaking* means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment, or any component of a vessel;

(3) *Shipbuilding* means the construction of a vessel, including the installation of machinery and equipment;

(4) *Related employment* means any employment performed as an incident to, or in conjunction with, ship repair, shipbreaking, and shipbuilding work, including, but not restricted to, inspection, testing, and employment as a watchman; and

(5) *Vessel* includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

[58 FR 35308, June 30, 1993]

§ 1910.16 Longshoring and marine terminals.

(a) *Safety and health standards for longshoring.* (1) Part 1918 of this chapter shall apply exclusively, according to the provisions thereof, to all employment of every employee engaged in longshoring operations or related employment aboard any vessel. All cargo transfer accomplished with the use of shore-based material handling devices shall be governed by part 1917 of this chapter.

(2) Part 1910 does not apply to longshoring operations except for the following provisions:

(i) *Access to employee exposure and medical records.* Subpart Z, § 1910.1020;

(ii) *Commercial diving operations.* Subpart T;

(iii) *Electrical.* Subpart S when shore-based electrical installations provide power for use aboard vessels;

(iv) *Hazard communication.* Subpart Z, § 1910.1200;

(v) *Ionizing radiation.* Subpart Z, § 1910.1096;

(vi) *Noise.* Subpart G, § 1910.95;

(vii) *Nonionizing radiation.* Subpart G, § 1910.97;

NOTE TO PARAGRAPH (a)(2)(vii): Exposures to nonionizing radiation emissions from commercial vessel transmitters are considered hazardous under the following conditions: (1) where the radar is transmitting, the scanner is stationary, and the exposure distance is 18.7 feet (6 m.) or less; or (2) where the radar is transmitting, the scanner

is rotating, and the exposure distance is 5.2 feet (1.8 m.) or less.

(viii) *Respiratory protection.* Subpart I, § 1910.134;

(ix) *Toxic and hazardous substances.* Subpart Z applies to marine cargo handling activities except for the following:

(A) When a substance or cargo is contained within a sealed, intact means of packaging or containment complying with Department of Transportation or International Maritime Organization requirements;¹

(B) Bloodborne pathogens, § 1910.1030;

(C) Carbon monoxide, § 1910.1000 (See § 1918.94 (a)); and

(D) Hydrogen sulfide, § 1910.1000 (See § 1918.94 (f)).

(x) Powered industrial truck operator training, Subpart N, § 1910.178(l).

(b) *Safety and health standards for marine terminals.* Part 1917 of this chapter shall apply exclusively, according to the provisions thereof, to employment within a marine terminal, except as follows:

(1) The provisions of part 1917 of this chapter do not apply to the following:

(i) Facilities used solely for the bulk storage, handling, and transfer of flammable and combustible liquids and gases.

(ii) Facilities subject to the regulations of the Office of Pipeline Safety of the Research and Special Programs Administration, Department of Transportation (49 CFR chapter I, subchapter D), to the extent such regulations apply to specific working conditions.

(iii) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.

(2) Part 1910 does not apply to marine terminals except for the following:

(i) *Abrasive blasting.* Subpart G, § 1910.94(a);

(ii) *Access to employee exposure and medical records.* Subpart Z, § 1910.1020;

(iii) *Commercial diving operations.* Subpart T;

(iv) *Electrical.* Subpart S;

¹The International Maritime Organization publishes the International Maritime Dangerous Goods Code to aid compliance with the international legal requirements of the International Convention for the Safety of Life at Sea, 1960.